

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALBA MARRERO,

Plaintiff,

Case No:

-against-

**JURY TRIAL  
DEMANDED**

TARGET CORPORATION  
and TARGET STORES, INC.

Defendant.

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants, TARGET CORPORATION and TARGET STORES, INC, by the undersigned counsel, hereby remove to this Court the above captioned action, which was pending against it in the Supreme Court of the State of New York, County of Bronx. Removal is based on the following grounds:

1. On or about June 27, 2022, Plaintiff, ALBA MARRERO , commenced a civil action against TARGET CORPORATION and TARGET STORES, INC., in the Supreme Court of the State of New York, County of Bronx, docketed as Index No. 809439/2022E (hereinafter the “Lawsuit”).

2. On or about July 1, 2022, TARGET CORPORATION and TARGET STORES, INC., were served with a copy of the Summons and Verified Complaint in this Lawsuit via State of New York, Department of State, Division of Corporations. A true and accurate copy of the Summons, Verified Complaint and Affidavit of Service upon the Secretary of State is attached as **Exhibit A.**

3. This Notice of Removal is being filed by TARGET CORPORATION and TARGET STORES, INC., pursuant to 28 U.S.C. § 1446 within thirty days of service of a copy of the Summons and Verified Complaint, even though the pleadings do not specify the amount in controversy. A good faith effort has been made to verify the alleged injuries.

4. In this Lawsuit, Plaintiff asserts causes of action against TARGET CORPORATION and TARGET STORES, INC., based upon negligence.

5. The Lawsuit alleges that solely as a result of TARGET CORPORATION and TARGET STORES, INC.'s negligence, "within the premises of a Target store, located at 815 Hutchinson River Parkway, County of Bronx, City and State of New York, the Plaintiff was caused to slip and fall on a substance on the floor of the premises. (Verified Complaint at ¶ 30).

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 due to complete diversity among the parties' citizenship and because the amount in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

**Diversity Jurisdiction Exists**

7. Plaintiff resides in the County of Bronx, and therefore is a citizen of the State of New York. (*See* Summons).

8. Defendant, TARGET CORPORATION is a Minnesota business corporation and has its principal place of business in Minneapolis, Minnesota. Target is not a citizen of the State of New York, nor do they have principal places of business in New York. No change in the place of incorporation or principal place of business of TARGET CORPORATION has occurred since the commencement of this Lawsuit. Further, TARGET STORES, INC., wholly owned by TARGET CORPORATION and not a proper Defendant in this case. None the less it is a Minnesota Corporation also.

**Amount In Controversy Exceeds \$75,000**

9. In the Complaint, Plaintiff seeks unspecified damages for personal injuries suffered at a Target Store when “within the premises of Defendant, TARGET CORPORATION, located at 815 Hutchinson River Parkway, County of Bronx, City and State of New York.

10. On July 18, 2022, Plaintiff’s counsel was requested to stipulate that the recovery for damages would be capped at \$75,000 and that TARGET CORPORATION would forego their request for removal. Plaintiff’s counsel advised both verbally and via email on July 21, 2022 that the Plaintiff would not so stipulate. The amount in controversy therefore exceeds \$75,000. *See Felipe v. Target Corp.* (2008, SD NY) 572 F Supp 2d 455. See **Exhibit B**.

11. This Lawsuit is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446. Furthermore, removal to this judicial district and division is proper pursuant to 28 U.S.C. § 1441(a) as this is the district and division embracing Bronx County, New York, where the Lawsuit is pending.

12. This Notice is accompanied by copies of all process, pleadings and orders served upon defendant in this action.

13. Promptly after this filing, this Notice of Removal will be served on Plaintiff, and TARGET CORPORATION will file a copy of this Notice of Removal with the Clerk of Court for the Supreme Court for the State of New York, County of Bronx.

14. This Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendants, **TARGET CORPORATION and TARGET STORES, INC.** respectfully remove the Lawsuit to this Court.

Dated: New York, New York  
July 25, 2022

By: *Alice Spitz*  
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